

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING

CASE No.: 14-2783 JB **DATE:** September 11, 2014

CASE CAPTION: *USA v. Rodella*

CRD: K. Wild **COURT REPORTER:** J. Bean

COURT IN SESSION: 11:00 a.m. **COURT IN RECESS:** 11:27 a.m. = :27

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULING/DISPOSITION:

1. Request for Jury to be Drawn From Northern New Mexico Jury Panel [39] – **INCLINED TO DENY**
2. Motion to Deny Request [47] – **INCLINED TO GRANT**

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Jeremy Pena, AUSA

ATTORNEYS PRESENT FOR DEFENDANT(S):

Robert Gorence/Louren Oliveros (Retained)

PROCEEDINGS

COURT IN SESSION: 11:00 a.m.

COURT: Calls case. Counsel enter appearances. Defendant present (not in custody).

Court: Have researched issue and believe if there is no consent to draw the jury pool from another division, then will have to deny Defendant's request.

11:09 a.m. Mr. Gorence: Argues in support of request. Have no problem with split of northern and central jury pools – or even statewide.

11:15 a.m. Mr. Pena: Argues in response in opposition to request and in support of Govt.'s motion – persists in opposition and will not consent.

11:17 a.m. Mr. Gorence: Argues in response to Govt.'s motion and in reply in further support of request.

Court: Inclined to deny request and grant motion. Unless counsel hear otherwise from Court, will request jury division pull jury panel from central jury pool; also, will plan to target 46-48 prospective

jurors. Anything further?

Mr. Pena: Requests defense provide last name for "Gail LNU" listed on witness list.

Mr. Gorence: If knew last name would have included, when know the last name will be disclosed, as well as her address. Asks when VDQ's will be available?

Court: Monday (9/15).

Mr. Gorence: Need to finish up with *Daubert* hearing on 9/16 by 4:00 p.m. in order to catch flight to Missouri that evening.

Mr. Pena: Not a problem.

Court: Will plan to be done by 4:00 p.m.

Mr. Pena: Nothing further today as to witness issue.

Court in recess: 11:27 a.m.